HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION Nos.6471 and 6472 of 2001

Date: 13-07-2006

W.P.No.6471 of 2001 :

Between :

Male Narasimha Reddy and others.

… Petitioner/s

and

Government of A.P.,
Rep.by its Secretary,
Irrigation and CAD Department,
Secretariat, Hyderabad and another.

…Respondent/s

W.P.No.6472 of 2001 :

Between :

Sannapareddy Venkataiah and others.

… Petitioner/s

and

Government of A.P.,
Rep.by its Secretary,
Irrigation and CAD Department,
Secretariat, Hyderabad and another.

…Respondent/s

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COMMON ORDER :

These two writ petitions are filed seeking mandamus declaring the action of the respondents in not redetermining the compensation under Section 28-A of the Land Acquisition Act (for brevity 'the Act') as arbitrary and illegal, and with a consequential direction to the respondents to redetermine the compensation in respect of the lands of the petitioners in Adurivanipalli and Ponnamvaripalli, H/o. Obulam village, Gopavaram Mandal, Kadapa District.

According to the petitioners, the lands held by them and the lands, which are the subject matter of L.A.O.P.Nos.346 and 350 of 1984 on the file of the II Additional District Judge, Kadapa, were acquired under one single notification issued under Section 4(1) of the Act. Though the petitioners did not approach the reference Court, some of the claimants filed L.A.O.P.Nos.346 and 350 of 1984. Since there was an enhancement of compensation in respect of those O.Ps., the petitioners herein have filed an application under Section 28-A of the Act claiming similar compensation on par with the claimants in the above O.Ps., but the same was not paid. Therefore, they have filed the present writ petitions.

A detailed counter affidavit has been filed by the respondents stating that the applications filed by the petitioners under
Section 28-A of the Act have been received by the respondents on

29-10-1986. It is also stated that every application filed under Section 28-A of the Act before the Land Acquisition Officer has to be duly signed by the Land Acquisition Officer and the entries to that effect made in the 28-A Register by the concerned Clerk should also be approved by the Land Acquisition Officer concerned. In the present case, the same was not done. Since every application filed under Section 28-A of the Act has to be signed by the Land Acquisition Officer, acknowledging the receipt of 28-A applications, they are not valid applications as per the rules, and therefore, sought for dismissal of writ petitions.

Admittedly, it is not the case of the respondents that no such applications were filed in time. According to them, though the applications were filed in time, the procedure of receiving and noting in the register was not properly done, which is the internal official business of the respondents. For any lapse on their part, the respondents cannot blame the petitioners herein. Therefore, the petitioners are entitled for the enhanced compensation under
Section 28-A of the Act on par with the claimants in L.A.O.P.Nos.346 and 350 of 1984.

The writ petitions are accordingly allowed. No costs.

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(C.V. RAMULU, J)

13-07-2006.
Msr.

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(Msr)